

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

DAVID HAROLD STOKES

)
)
)
)
)

Case No.: 2:08cr60-WHA

AFFIDAVIT OF GLEAN LOUIS SPANN

STATE OF ALABAMA

COUNTY OF MONTGOMERY

)
)
)

I, Glean Louis Spann, being duly sworn state as follows:

My name is Glean Louis Spann. I reside at 3004 Aztec Road, Greenville, Alabama 36037.

1. On June 30, 2007, I went to David Stokes' residence, located at 1933 Bethel Church Road in Fort Deposit, Alabama. I needed money for my daughter's birthday and Mr. Stokes agreed to pay me for cutting his grass.

2. I cut Mr. Stokes' grass in the morning hours and returned to Mr. Stokes' house later that evening. When I arrived, Mr. Stokes was not home.

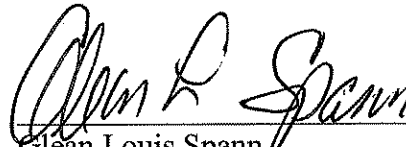
3. Shortly thereafter, Mr. Stokes pulled up in the yard. Mr. Stokes asked me to go inside the house with him, because he thought someone had broken into his house. I told Mr. Stokes I would stay outside and watch while he went inside. While Mr. Stokes was inside his residence, I saw a white male stand up from behind the air conditioning unit at Mr. Stokes' father's house, next door to Mr. Stokes' house.

4. The white male jumped over the fence. I yelled to David that a man was jumping the fence. Mr. Stokes and I both ran after the white male.

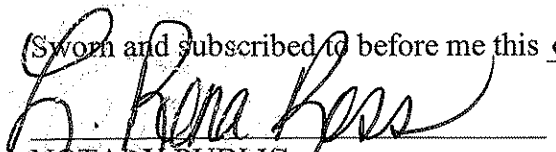
5. As I cleared the corner of the house, Mr. Stokes fired his shotgun in the direction the man was running. I was accidentally hit by some of the pellets, on the right shoulder and on the right side of my head near the hairline. The pellets created surface wounds only; nothing more than a scratch from a splinter or briar.

6. When Mr. Stokes realized that he had accidentally hit me with some of the pellets, he was shocked and immediately offered to take me to the hospital for medical care. Due to the nature of the wounds, I refused medical care. Mr. Stokes was very apologetic and stated that he did not try to shoot me.

7. I am not mad at David for shooting me. I know that it was an accident because Mr. Stokes has never done anything to hurt me. I would like for David to get the least amount of punishment.


Glean Louis Spann
Date: 20-Aug-08

Sworn and subscribed to before me this 20th day of August, 2008.


NOTARY PUBLIC
My Commission expires: 12/12/10